

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDIN LEE JOHNSON,

Plaintiff,

v.

QUANISHA HOLLOWAY; ANDREA
ORWOLL; and ELLIOTT ANDERSON,

Defendants.

Case No. 2:20-cv-01005-APG-EJY

ORDER

I. DISCUSSION

On June 1, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff neither paid the full \$400 filing fee nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit *all three* of the following documents to the Court:

- (1) a completed *Application to Proceed in Forma Pauperis for Inmate*, on this Court’s approved form (pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a *Financial Certificate* properly signed by the inmate and a prison or jail official (page 4 of this Court’s approved form), and
- (3) a copy of the *inmate’s prison or jail trust fund account statement for the previous six-month period*.

The Court grants Plaintiff a *one-time* extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **August 17, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing

1 fee on or before **August 17, 2020**, the Court may recommend dismissal of this case without prejudice
 2 which allows Plaintiff to file a new case with the Court when Plaintiff is either able to acquire all
 3 three of the documents needed to file a fully complete application to proceed *in forma pauperis* or
 4 pay the full \$400 filing fee.

5 A dismissal *without prejudice* means Plaintiff does not give up the right to refile the case
 6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 7 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
 8 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
 9 **August 17, 2020** to proceed with this case.

10 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not
 11 file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in*
 12 *forma pauperis* with all three documents or pays the full \$400 filing fee.

13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall send
 15 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the
 16 document entitled information and instructions for filing an *in forma pauperis* application.

17 IT IS FURTHER ORDERED that on or before **August 17, 2020**, Plaintiff shall either pay
 18 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 19 administrative fee) or file with the Court:

- 20 (1) a completed *Application to Proceed in Forma Pauperis for Inmate* on this Court's
- 21 approved form (pages 1 through 3 of the form with the inmate's two signatures on page 3),
- 22 (2) a *Financial Certificate* properly signed by both the inmate and a prison or jail official
- 23 (page 4 of this Court's approved form), and
- 24 (3) a copy of the *inmate's prison or jail trust fund account statement for the previous six-*
- 25 *month period.*

26 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
 27 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
 28

1 on or before **August 17, 2020**, the Court will recommend dismissal of this action *without prejudice*
2 for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
3 documents needed to file a complete application to proceed *in forma pauperis* or is able to pay the
4 filing fee.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the Complaint (ECF
6 No.1-1) but will not file it at this time.

7 Dated this 17th day of July, 2020

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10 ELAYNA J. YOUCHAK
11 UNITED STATES MAGISTRATE JUDGE
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